

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

MARJORIE FERRELL, et al,	:	Case No. C-1-01-447
Plaintiffs,	:	Judge Sandra S. Beckwith
v.	:	Magistrate Judge Timothy S. Hogan
WYETH-AYERST LABORATORIES,	:	
INC., et al,	:	
Defendants	:	

ORDER

Before the Court is the Plaintiffs' Motion for Clarification or Modification of the Amended Case Management Order No. 1 (Doc. 75) and Wyeth's Response to Plaintiffs' Motion (Doc. 76). Plaintiffs seek "clarification" and/or modification of the Amended Case Management Order with respect to their participation in "merits" discovery in the Coordinated Action.

The Amended Case Management Order entered on January 9, 2002 plainly states that the parties did not agree to bifurcate class and merits discovery, and no order of bifurcation has been granted by the Court. There appears to be no need for "clarification" of the AMCO in this regard.

Plaintiffs' alternate request to "modify" the AMCO, essentially seeking an order that they are not required to participate in merits discovery prior to the Court's ruling on class certification, is denied. Plaintiffs do not present facts establishing that an undue burden or expense would be caused by

their participation in any ongoing discovery in the Coordinated Action. Moreover, the Court has ruled on Plaintiffs' Motion for Class Certification (Doc. 100), mooted Plaintiffs' objection to participation in "merits" discovery.

The Court therefore denies Plaintiffs' Motion for Clarification or Modification of the Amended Case Management Order No. 1.

DATED: July 6, 2004

s/Sandra S. Beckwith
Sandra S. Beckwith
United States District Judge